APPEAL NO. 023116
FILED JANUARY 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on November 20, 2002. Resolving the disputed issues before her, the hearing officer decided that the respondent (claimant) sustained a compensable injury to his left hand on _____[1], that he timely reported his injury to his employer, and that he had disability from May 24 through October 5. The appellant (carrier) has appealed all of the determinations on a sufficiency of the evidence argument, and specifically contends that, while the claimant's employer had actual knowledge of the acid spill allegedly causing the claimant's hand injury, the incident of the spill in itself was insufficient to serve as notice of a work-related injury. The claimant responds, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that he sustained a compensable injury; that he timely reported that injury to the employer or had good cause for not doing so; and that he had disability as a result of his compensable injury. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A claimant need not prove that the injury was the sole cause, as opposed to a cause, of the disability. Texas Workers' Compensation Commission Appeal No. 931134, decided January 28, 1994. The Appeals Panel has stated that in workers' compensation cases, the disputed issues of injury and disability can, generally, be established by the testimony of the claimant alone. Texas Workers' Compensation Commission Appeal No. 91124, decided February 12, 1992. The same can be said for the issue of timely notice.

The hearing officer determined that the claimant sustained a compensable burn injury to his left hand when some acid spilled out of a vehicle to which he was attaching the hook from his tow truck. The claimant's supervisor witnessed the incident and told the claimant to go and wash the acid off. The carrier argues that knowing that the acid spilled on the claimant's left hand and actually knowing that the claimant sustained a work-related injury are discrete things. The hearing officer disagreed, and the claimant produced medical records indicating that he received a third-degree burn and subsequent infection as a result of the acid spill.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ.

[1] All dates referenced are in the year 2002 unless otherwise indicated.

App.-Amarillo 1974, no writ); St. Paul Fire & Marine Ins. Co. v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). Our review of the record does not demonstrate that the hearing officer's injury, notice, and disability determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). The hearing officer could consider the conflicts in the testimony and evidence and determine that the claimant's evidence was persuasive.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN MANUFACTURERS MUTUAL INSURANCE** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.

_____
Terri Kay Oliver
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

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Robert W. Potts
Appeals Judge